

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

John Wesley Florence, Jr.
Plaintiff,

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

v.

Case No.: _____
(to be filled in by the Clerk's Office)

JURY TRIAL ☐ Yes ☐ No

HRSA
Calaba Government Benefit Administrators LLC
Defendant(s),

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names)

2:17-cv-01901-UJB-VEH

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff

Name John Wesley Florence, Jr.
Street Address 6226 Anne Drive
City and County Pinson, Jefferson
State and Zip Code Alabama 35126
Telephone Number 205-948-6080
E-mail Address (if known) john.florence21@gmail.com

☒ Check here to receive electronic notice through the e-mail listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed and saved.

11/19/2017
Date

[Signature]
Participant Signature

II. Basis for Jurisdiction**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	<u>Cahaba GBA, LLC</u>
Job or Title (<i>if known</i>)	<u></u>
Street Address	<u>500 Corporate Parkway</u>
City and County	<u>Birmingham, Jefferson</u>
State and Zip Code	<u>Alabama 35242</u>
Telephone Number	<u>205-220-1200</u>
E-mail Address (<i>if known</i>)	<u></u>

Defendant No. 2

Name	<u>Misty Cork</u>
Job or Title (<i>if known</i>)	<u>Compliance Officer</u>
Street Address	<u>500 Corporate Parkway</u>
City and County	<u>Birmingham, Jefferson</u>
State and Zip Code	<u>Alabama 35242</u>
Telephone Number	<u>205-220-1200</u>
E-mail Address (<i>if known</i>)	<u>mcork@cahabagba.com</u>

Defendant No. 3

Name	<u>Catherine Trendwell</u>
Job or Title (<i>if known</i>)	<u>HR Manager</u>
Street Address	<u>500 Corporate Parkway</u>
City and County	<u>Birmingham, Jefferson</u>
State and Zip Code	<u>AL 35242</u>
Telephone Number	<u>205-220-1200</u>
E-mail Address (<i>if known</i>)	<u>ctrendwell@cahabagba.com</u>

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Defendant No. 4

Name Phyllis Butler
 Job or Title (if known) Provider Outreach & Education Mgr.
 Street Address 500 Corporate Parkway
 City and County Birmingham, Jefferson
 State and Zip Code Alabama 35242
 Telephone Number 205-220-1240 or 205-602-2789
 E-mail Address (if known) pbutler@cahaba.org

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name HBS / Cahaba GBA, LLC
 Street Address 500 Corporate Parkway
 City and County Birmingham, Jefferson
 State and Zip Code Alabama 35242
 Telephone Number 205-220-1200

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law):*

Relevant state law *(specify, if known):*

Relevant city or county law *(specify, if known):*

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me
- ☒ Termination of my employment
- ☒ Failure to promote me
- ☐ Failure to accommodate my disability
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

- February 10-11, 2016 w/ Catherine Treadwell; December 2015
w/ Compliance; Phyllis Butler / Gail Dugger dating back as far as 2009

- ☒ is/are still committing these acts against me
- ☐ is/are not still committing these acts against me

- ☒ race bias treatment to others employed in department
- ☐ color _____
- ☒ gender/sex discriminatory acts conducted based upon me being male in dept.
- ☐ religion _____
- ☐ national origin _____
- ☐ age (year of birth) _____
(only when asserting a claim of age discrimination)
- ☐ disability or perceived disability (specify disability) _____

- The facts of my case are based upon wrongful termination of employment for unverified evidence by Compliance department. Only picture of me returning to retrieve laptop but no evidence of me leaving after retrieval; No evidence of intentional falsification of time, no trend, & others in department were the actual abusers of falsification of time; Documented history & reporting to HR of the biased treatment by immediate manager & superior in all performance evaluations dating back till 2009; Filed informal grievance to document treatment based upon sex, favoritism by immediate manager & nepotism.
- (Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date): 5/16/16

B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter

☒ issued a Notice of Right to Sue letter, which I received on (date): 8/10/17

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question:

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed

☐ less than 60 days have elapsed

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Punitive damages for wrongful termination, emotional distress,
loss of wages, physical & emotional depression, as well
as embarrassment of loss of job by peers & subordinates.
I have exhausted all measures & resources to fight the
treatment, abuse, & wrongful terminations as well as
unlawful & unethical practices exhibited by Cahaba
GBA management.

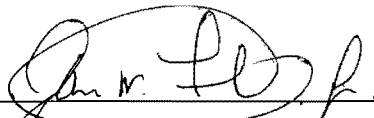
VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 11/10/17

Signature of Plaintiff: 

Printed Name of Plaintiff: John Wesley Florence, Jr.

B. For Attorneys

Date of Signing: _____

Signature of Attorney: _____

Printed Name of Attorney: _____

Bar Number: _____

Name of Law Firm: _____

Street Address: _____

State and Zip Code: _____

Telephone Number: _____

E-mail Address: _____



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Jackson Area Office

Dr. A. H. McCoy Federal Building
100 W. Capitol Street, Suite 338
Jackson, MS 39269
Intake Information Group: 800-669-4000
Intake Information Group TTY: 800-669-6820
Jackson Status Line: 866-408-8075
Jackson Direct Dial: (601) 948-8466
TTY (601) 948-8469
FAX (601) 948-8401

John W. Florence
6226 Anne Drive
Pinson, AL 35126

Charge No. 420-2016-02235
Respondent: Cahaba GBA, LLC


Dear Mr. Florence:

This letter is to inform you that EEOC has completed its final review of the evidence obtained during this investigation. The EEOC is unable to conclude that the information obtained establishes violations of the statutes.

If you wish to pursue your charge further, you have the right to sue the named Respondent in the U. S. District Court within 90 days from the date you receive the Dismissal and Notice of Rights and Information Sheet. Please read these enclosed documents carefully.

August 10, 2017
Date

Sincerely,


Eszhan McDuffey
Enforcement Supervisor

Enclosure: Dismissal and Notice of Rights

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **John W. Florence**
6226 Anne Drive
Pinson, AL 35126

From: **Jackson Area Office**
100 West Capitol Street
Suite 338
Jackson, MS 39269

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2016-02235

Eszean S. McDuffey,
Enforcement Supervisor

(601) 948-8417

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

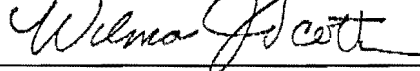
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Wilma Scott,
Director

08/10/2017

(Date Mailed)

Enclosures(s)

cc: **Tonya Allen, Esq.**
HR Department Manager
CAHABA GBA LLC
415 Riverchase Parkway
Birmingham, AL 35244

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

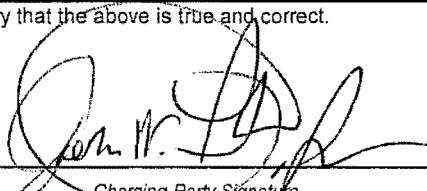
ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

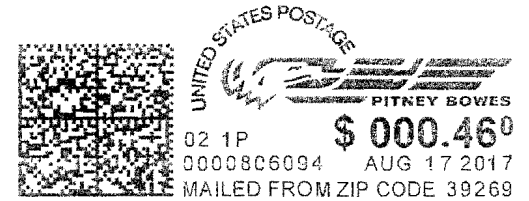
CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 420-2016-02235	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) John W. Florence		Home Phone (Incl. Area Code) (205) 948-6080	
Date of Birth 09-24-1975			
Street Address 6226 Anne Drive, Pinson, AL 35126		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Blue Cross Blue Shield of AL d/b/a Health Care Business Solutions (HBS) / CAHABA Government Benefit Administrators		No. Employees, Members 500 or More	
Street Address 500 Corporate Parkway, Birmingham, AL 35242		Phone No. (Include Area Code) (205) 220-1900	
Name 		No. Employees, Members 	
Street Address 		Phone No. (Include Area Code) 	
City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 12-22-2015 02-18-2016 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I was hired by the above named employer during February 2006 as a Customer Service Representative. My most recent position was Medicare Provider Outreach & Education for Medicare (POE).</p> <p>On February 18, 2016, Misty Cork, Compliance Officer informed me that I was being discharged for inaccurate time reporting. I was accused of allegedly working thirty six (36) hours in a forty (40) hour work week. During my employment I was also denied the benefit of teleworking in the same manner as my female coworkers. I deny not accurately reporting the hour that I worked.</p> <p>Several female coworkers who do not accurately report the hours they work have not been discharged or disciplined. I am the only male in my division.</p> <p>I believe I have been discriminated against because of my sex in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe am being retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended because I filed an internal grievance with the employer during 2014.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
May 16, 2016 Date		SIGNATURE OF COMPLAINANT 	
Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

U.S. Equal Employment Opportunity Commission
Dr. A. H. McCoy Federal Building
100 West Capitol Street, Suite 338
Jackson, Mississippi 39269

OFFICIAL BUSINESS
Penalty for Private Use \$300

JACKSON
MS 390
17 AUG '17
PM 11



05126-530925

